

6/14/2018 3:16 pm

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

JANE DOE,

Plaintiff,

v.

HOFSTRA UNIVERSITY,

Defendant.

Docket 17-cv-00179-DRH-AYS

United States Courthouse
Central Islip, New York

April 16, 2018

11:24:52 am - 11:31:36 am

TRANSCRIPT FOR CIVIL CAUSE
- INITIAL CONFERENCE -
BEFORE THE HONORABLE ANNE Y. SHIELDS
UNITED STATES MAGISTRATE-JUDGE

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(Proceedings recorded by electronic sound recording)

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1 COURTROOM DEPUTY: Calling 17-cv-179, Doe v. Hofstra
2 University. Please state your appearances for the record.

3 MR. SCHWARTZ: Good morning, Your Honor, David
4 Schwartz, for Plaintiff, proceeding pseudonymously as Jane Doe.

5 THE COURT: Good morning.

6 MS. ROSENBERG: Good morning, Your Honor, Jill
7 Rosenberg, Orrick, Herrington & Sutcliffe, New York City, for
8 Defendant, Hofstra University.

9 THE COURT: Good morning. Who else is here?

10 MS. ROSENBERG: I believe counsel have appeared here
11 from the other case, AB v. Hofstra. Sorry to start this off on
12 the wrong foot, but we object to their presence.

13 MR. HOUCK: Your Honor, I represent Plaintiff in the
14 related case in which their clients are both Defendants. And on
15 April 3 --

16 THE COURT: Who else is here? And who else?

17 MR. HOUCK: Stephen Houck, H-O-U-C-K. This is my
18 colleague, Theodor Bruening.

19 THE COURT: So, you both, you represent AB?

20 MR. HOUCK: Correct.

21 THE COURT: All right. Well, you can stay in the
22 courtroom; it's a public courtroom. Just sit down.

23 MR. HOUCK: Well, can I just explain why we're here?

24 THE COURT: Your case isn't on the calendar. It's
25 just their case on the calendar.

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1 MR. HOUCK: We're here because Your Honor entered an
2 order on April 3 encouraging the parties to work together on
3 discoveries.

4 THE COURT: Right. So, I'm glad you're here. So,
5 just sit down.

6 MR. HOUCK: All right.

7 THE COURT: Sit down. Okay? And we'll talk about it.
8 Okay. So, on this case, this case, which is the case brought by
9 Jane Doe against Hofstra, right?

10 MR. SCHWARTZ: Correct, Your Honor.

11 THE COURT: Okay. So, I know that you have a
12 scheduling order that you've put in on this case, a proposed
13 order. And in that order, you have fact discovery ending
14 October 15. I'm okay with that date for fact discovery ending,
15 however, I wanted to make some changes to your discovery order
16 to move this case a little bit quicker I think. All right? So,
17 what I'm going to do is request for paper discovery in this case
18 to be made by May 15. So, that moves that date up a little, and
19 you can just mark up your order if you want. Otherwise, I'll
20 put something on the docket.

21 Also, in this case, I would like both party
22 depositions in this case -- and by the way, this will go on the
23 docket, so don't panic. You'll see it on ECF. Both party
24 depositions, I want completed by July 20. So, that moves that
25 up. Then, I want you to come in for a status conference on

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1 August 2 at 10:30. Those are the three dates I'm going to add
2 her. I'm still leaving your fact-discovery date at 10/15. My
3 goal here is to have both parties deposed by the end of July.
4 Have you in in August. And at that point, that's usually a
5 point we're in a better settlement posture, and then maybe we
6 can talk about it. That's what I want to do. So, those are
7 your new dates. You're still having the fact discovery. Is
8 there going to be expert testimony in this case?

9 MR. SCHWARTZ: I don't believe so, Judge. If there
10 would be, it would be limited to her emotional pain and
11 suffering. At this point though, we don't believe there will be
12 experts.

13 THE COURT: You're not going to be using that?

14 MR. SCHWARTZ: I don't believe so. But I'd rather not
15 completely close the door.

16 THE COURT: Okay. And on defense side?

17 MS. ROSENBERG: If Plaintiff were to have an expert,
18 we would have one in response.

19 THE COURT: Right.

20 MS. ROSENBERG: The only other possible consideration
21 is that I understand that the Plaintiff has sought professional
22 counseling and treatment. We'll obviously, review those
23 records, and if we need some sort of separate medical exam. I
24 don't know that that would be necessary for an expert for that.

25 THE COURT: Okay.

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1 MS. ROSENBERG: That's a possibility, but we haven't
2 seen the records yet.

3 THE COURT: Do you have, or have you asked for
4 authorizations in this case for medical records?

5 MR. SCHWARTZ: We haven't provided them yet, Your
6 Honor.

7 THE COURT: I mean that's going to be the issue,
8 right? If you're going to be claiming damages other than sort
9 of garden variety, you're going to have to give authorization.
10 So, that's something you're going to have. I know you want to
11 reserve your right, but you're going to have to decide that in
12 short order.

13 MR. SCHWARTZ: We have no problem providing the
14 authorizations. We'll do that within 14 days.

15 THE COURT: Okay. So, do that. Whatever your first
16 date is -- that's May 7. Make sure you get any authorizations
17 to the other side.

18 MR. SCHWARTZ: Yes, Your Honor.

19 THE COURT: Okay. And you can do it quicker than that
20 I think.

21 MR. SCHWARTZ: I agree.

22 THE COURT: Is your client still in school?

23 MR. SCHWARTZ: She is.

24 THE COURT: And is she still in Hofstra?

25 MR. SCHWARTZ: She is.

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1 THE COURT: Okay. All right. Those are the dates
2 that I want things done for so that maybe this can be dealt with
3 over the summer. And maybe we can settle this matter. Okay?
4 Do you guys have any questions for me?

5 MR. SCHWARTZ: Nothing from Plaintiff, Judge.

6 THE COURT: Okay. So, I will say with respect to the
7 other cases that those counsel that are in the courtroom,
8 although not here sort of formally appearing in this case, those
9 cases both have fully briefed motions to dismiss that are
10 pending before the District Court in those cases. I'm trying to
11 see where. These are all Judge Hurley. We've got one that was
12 briefed January, and one was briefed after that I believe. But
13 given the fact that there are fully briefed motions to dismiss,
14 I'm just going to have discovery go forward in this case alone,
15 and not in the other cases. So, that's I think the best way to
16 go forward with this. So, in the other two cases, you've got
17 motions to dismiss pending. So, this case goes forward
18 separately.

19 MS. ROSENBERG: That would be our preference, Your
20 Honor. Thank you.

21 THE COURT: Okay.

22 MR. SCHWARTZ: Yes, Your Honor.

23 THE COURT: Thank you.

24 MR. SCHWARTZ: Thank you, Judge.

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CERTIFICATION

I, Rochelle V. Grant, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

Dated: April 22, 2018



Rochelle V. Grant